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June 4, 2004

BY MESSENGER

Federal Election Commission
General Counsel Office
999 E Street, N.W.
Washington, DC 20463
Attn: Kim C. Stevenson

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 JUN -9 11:13

Re: MUR 5445 – Majority Initiative to Keep Electing Republicans Fund

Dear Ms. Stevenson:

This letter is in response to the Federal Election Commission ("Commission") letter of April 29th to Mark Valente III, Treasurer of the Majority Initiative to Keep Electing Republicans Fund ("Fund"). The Commission letter enclosed a copy of a complaint from Public Citizens, alleging that Majority Initiative to Keep Electing Republicans Fund ("Fund") violated provisions of the Federal Election Campaign Act of 1971, as amended. Specifically, the complaint alleges that the Fund accepted a contribution from Quentin Nesbitt that was earmarked or designated for the Geoff Davis for Congress Committee and that the Fund donated this money to the Davis campaign. The letter also says that the "evidence also strongly indicates" that this was a contribution to the Geoff Davis for Congress Committee in the name of another within the meaning of 11 C.F.R. § 110.4. The "evidence" provided by Public Citizens consists solely of the fact "discovered" from the Fund's disclosure filings at the Commission that Mr. Nesbitt made a contribution of \$1,000 to the Fund on September 23, 2003, and on September 30, 2003, the Fund made a contribution of \$2,000 to the Davis Committee.

Enclosed with this letter are two affidavits, one from the Treasurer of the Fund, and a second from Congressman Mike Rogers (MI-8), the organizer of the Fund. The affidavits are unequivocal that the Nesbitt contribution was not accepted by the Fund on an earmarked or designated basis. No direction was received orally or in writing from Mr. Nesbitt by the Fund regarding his contribution.

The Fund was organized by Congressman Rogers to support Republican candidates for the United State House of Representatives and to assist the Republican Party in retaining a

majority in the House. The Majority Initiative to Keep Electing Republicans Fund raised more than \$163,690 in 2003. The Fund donated \$54,250 in 45 separate contributions to Republican House candidates in 2003. On September 30, the same day that a contribution was made to the Davis for Congress Committee, contributions were made to the Thompson for Congress, Graves for Congress, and John Sullivan for Congress Committees. The Fund has in the past and anticipates in the future contributing to Republican House candidates based on its goals of maintaining Republican control of the House and the election of quality individuals. The Davis campaign is one of the few closely contested races for the U.S. House of Representatives in 2004. A political committee whose stated goal is to assist in maintaining Republican control of the House has relatively few races where its financial support may impact on the outcome of the campaign. This district race is one of those.

The Fund has a history of support to the Davis campaign predating the Nesbitt contribution to the Fund. In the 2002 election cycle, the Fund made a contribution to the Geoff Davis for Congress Committee, and Representative Rogers has supported and campaigned for Davis. It is simply silly to conclude that the Fund needed direction or resources from Mr. Nesbitt to support the Davis Committee. Public Citizens' claim that a \$1,000 contribution to the Fund was really a \$2,000 earmarked donation to the Davis campaign is obviously meritless on its face. The complaint has provided the Commission with no documentation or statement from any individual with any personal knowledge regarding the contributions which supports these allegations concerning the Fund. For this reason, the Commission should close this MUR without further action in regard to the Fund and Mr. Valente.

If you should have any question regarding this matter, please do not hesitate to contact me.

Sincerely,



E. Mark Braden

EB/rvn

Enclosures

Federal Election Commission
999 E Street, N W
Washington, DC 20463

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AFFIDAVIT OF MARK VALENTE III

Re MUR 5445 – Majority Initiative to Keep Electing Republicans Fund

- 1) I, Mark Valente III, am the Treasurer of the Majority Initiative to Keep Electing Republicans Fund (“Fund”) I am the principal in Valente & Associates, Hamilton Square, Fifth Floor, 600 Fourteenth Street, N W , Washington, DC 20005
- 2) As Treasurer of the Fund, I regularly receive contribution checks for the Fund I received a check for \$1,000 drawn on the account of Jean Nesbitt and Quentin Nesbitt, signed by Quentin Nesbitt and dated September 23, 2003 I have neither memory nor knowledge whether the check arrived by postal service, overnight delivery service, or hand delivery I have attached a copy of that check and the deposit slip to this statement (See attachment _) An examination of the check shows that on its face there is no indication that the contribution was earmarked or designated in any manner for any specific use or candidate
- 3) On October 30, 2003, I sent an acknowledgement and thank you letter for the contribution to Mr Nesbitt on behalf of the Fund from Congressman Mike Rogers Attached is a copy of that thank you letter (Attachment _) An examination of the thank you letter of October 30, 2003 does not indicate any agreement to earmark or designate Mr Nesbitt’s contribution to the Fund to any specific candidate or campaign
- 4) The thank you letter makes reference to assisting Republican candidates for Congress, promoting common-sense Republican ideology in congress and growing the Republican majority in the House of Representatives. No reference is made to the Geoff Davis for Congress campaign in Kentucky

5) I made no representation to Mr Nesbitt that his contribution would be accepted on an earmarked or designated basis by the Fund To the best of my knowledge, I have never met Quentin Nesbitt nor spoken with him I would not have accepted a contribution from Mr Nesbitt on a designated basis, nor has the Fund, to my knowledge, ever accepted an earmarked or designated contribution from a donor

6) I know of no one associated with the Fund that made any agreement to earmark or otherwise designate Mr Nesbitt's contribution to the Fund for the Geoff Davis for Congress Committee I know of no one associated with the Fund who remembers ever meeting or speaking with Mr. Nesbitt

7) The Fund did make a contribution to Geoff Davis for Congress on September 30, 2003 in the amount of \$2,000 This contribution was not made pursuant to any agreement, expressed or implied with Mr. Nesbitt by myself or to my knowledge any representative of the Fund

8) Geoff Davis is running for a seat in the U S House of Representatives from Kentucky for the second time This congressional race has been and will continue to be one of the most hotly contested in the country In the 2002 election cycle, the Fund made a contribution to the Davis campaign


9) I have no reason to believe that the September 30, 2003 contribution to Geoff Davis for Congress by the Fund was related in any manner to the contribution from Mr Nesbitt

10) I understood that the September 30, 2003 date of contribution corresponded with the close of a reporting period to the Federal Election Commission by the Davis campaign It is my belief the timing of the contribution reflects a desire to provide Mr Davis with the contribution prior to the closing of the reporting period

11) Although I have no recollection of any specific discussion regarding the September 30, 2003 contribution to the Davis campaign, it is my clear understanding that Representative Rogers

approved of the contribution based upon his personal experience with the Geoff Davis campaign and its importance to his goal of electing more Republicans to the House of Representatives

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the facts set forth herein are true and correct

By 
Mark Valente III

6-7-04
Date



3451
13-31/420

MIKE IR FUND

\$1,000.

9-23-03

DATE _____

13-31/420

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Christian Herbst

100-443887-100

MIKE R Fund

Hon. Mike Rogers
Chairman

Mark Valente III
Treasurer

Post Office Box 65796
Washington, DC 20035

202-783-1980
Fax 202-783-1918

October 30, 2003

Mr. Quentin Nesbitt
1 Tanglewood Ln
Cincinnati, OH 45224

Dear Mr. Nesbitt:

Thank you very much for your generous contribution to my leadership committee, the MIKE R Fund. I especially appreciate the personal commitment you have made in support of my efforts in the United States House of Representatives.

The MIKE R Fund was established to help fund key Republican House races to ensure that we maintain our majority status this November. In November of 2000, I was privileged to have won the most closely contested Congressional election in the country. It would not have happened without the financial support of my colleagues in the House of Representatives. That's why I established the Mike R Fund -- to assist Republican candidates for Congress committed to promoting common sense Republican ideology in their congressional districts. Protecting and growing the Republican majority in the House is contingent on the team effort of every Republican in our conference. Needless to say, I am proud to have you on my team.

As a major supporter of the MIKE R Fund, please be assured that your contribution will assist greatly in our achieving these goals. I also hope I can count on you for input as to how we might build further support for the Mike R Fund and our GOP majority in the U.S. House of Representatives.

Again, my thanks for your support and I look forward to seeing you soon.

Very truly yours,

Mike Rogers

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

AFFIDAVIT FOR REPRESENTATIVE MIKE ROGERS

Re: MUR 5445/Majority Initiative to Keep Electing Republicans Fund.

- 1) I, Mike Rogers, am the Representative of the Eighth District of Michigan in the United States House of Representatives.
- 2) I am the organizer of the Majority Initiative to Keep Electing Republicans Fund ("Fund"). I organized the Fund to support House candidates. My goal was to assist in maintaining a Republican majority in the United States House of Representatives.
- 3) To the best of my knowledge, I have never met Quentin Nesbitt nor spoken with him. I made no representation to Mr. Nesbitt that his contribution to the Fund would be accepted on an earmarked basis. I would not have permitted the Fund to accept contributions from anyone on that basis and, to my knowledge the Fund has never accepted an earmarked or designated contribution from a donor.
- 4) I know of no one associated with the Fund who made any agreement to earmark or otherwise designate Mr. Nesbitt's contribution to the Fund for the Geoff Davis For Congress Committee. I know of no one associated with the Fund who remembers to ever meeting or speaking with Mr. Nesbitt.
- 5) The Fund did make a contribution to Geoff Davis for Congress on September 30, 2003 in the amount of \$2,000. This contribution was not made pursuant to any agreement, expressed or implied with Mr. Nesbitt, or to my knowledge, any authorized representative of the Fund.

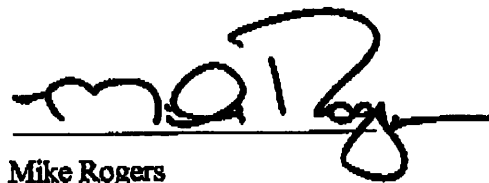
6) Geoff Davis was running for a seat in the U.S. House of Representatives from Kentucky for the second time. This congressional race has been and will continue to be one of the most hotly contested in the country.

7) The Fund made a contribution to Mr. Davis's campaign because I believe he would be an excellent member of the U.S. House of Representatives. Contributions to Mr. Davis are important to his ability to be elected, and his election is important to the ability of the Republican Party to maintain a majority in the U.S. House of Representatives. I do not believe that the September 30, 2003 contribution to Geoff Davis for Congress Committee by the Fund is related in any manner to the contribution from Mr. Nesbitt to the Fund.

8) I have no present recollection of any specific discussions regarding this contribution to the Davis's campaign. I have no doubt that I approved such contribution based on my personal experience with the Davis campaign and Geoff Davis. In fact, the Fund was a prior contributor to Mr. Davis, as the Fund contributed to Mr. Davis' unsuccessful 2002 campaign for Congress. Financial support for Geoff Davis's campaign is important to my goal and that of the Fund to elect more Republicans to the House of Representatives.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the facts set forth herein are true and correct.

By.


Mike Rogers

6/8/04
Date